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September 28, 2004

By facsimile only

Sylvia Howard, Register

Nantucket Probate & Family Court

PO Box 1116

Nantucket, MA 02554

RE: Sharron Wendy Valliere v. William T. Rowe
Nantucket Probate & Family Court Docket No. 04E0002GC

Dear Sylvia:

Kindly bring to the attention of Judge Ordonez the following pleadings that have been filed in the federal court action referenced by Mr. Rowe's attorney in his Motion to Dismiss. I am confident that there is not the requisite diversity jurisdiction for the claims he alleges to be prosecuted in federal court.

In light of the fact that Mr. Rowe has not filed a cause of action in state court as of this time that raises jury issues, and the fact that my complaint in equity is based on specific enforcement and constructive trust, both clearly within the jurisdiction of the Probate Court, it is my opinion that until such time as the defendant in this case has filed state court claims and sought to consolidate this action with his own that a motion to dismiss does not lie. Denial of the Motion to Dismiss without prejudice does not impair any rights of the Defendant to proceed with his claims in the appropriate court. I look forward to the court's determination in this matter.

Very truly yours,



Carol A. Witt

Enclosures

cc: Paul A. Garganos, Esquire
S. Wendy Valliere

Fellow American Academy of Matrimonial Lawyers

A private professional organization whose standards for certification are not regulated by the Commonwealth of Massachusetts.

CERTIFICATE OF SERVICE

On this 4th day of October 2004, I did cause to be delivered by first class mail a copy of Plaintiff's Opposition to Defendant's Motion to Dismiss and for Sanctions on Counsel for the Plaintiff at the following address:

Carol A. Witt
125 Washington St.
Salem, Massachusetts. 01970


Paul A. Gargano